

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

JOSEPH POPPELL, ET AL.,	)	
	)	
Plaintiffs,	)	Civil Action No. 2:19-cv-00064-LGW-
	)	BWC
v.	)	
	)	
CARDINAL HEALTH, INC., ET AL.,	)	
	)	
Defendants.	)	

**MOVING DEFENDANTS' JOINT MOTION TO STAY PROCEEDINGS  
PENDING LIKELY TRANSFER TO MULTIDISTRICT LITIGATION**

Defendants Cardinal Health, Inc., Cardinal Health 108, LLC, Cardinal Health, 110, LLC, Cardinal Health 112, LLC, Cardinal Health 113, LLC, Cardinal Health 116, LLC, Cardinal Health 200, LLC, Cardinal Health 414, LLC,<sup>1</sup> McKesson Corporation, McKesson Drug Company, LLC, McKesson Medical-Surgical, Inc. and McKesson Medical-Surgical Minnesota Supply, Inc. (collectively, the “Moving Defendants”) jointly move this Court for an order staying all proceedings and deferring consideration of Plaintiffs’ motion to remand pending the likely transfer of this action to the Multidistrict Litigation pending before Judge Dan Polster in the Northern District of Ohio (the “MDL”).<sup>2</sup> This Court should refrain from taking any action on

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<sup>1</sup> By joining in this Motion, Defendants Cardinal Health 108, LLC, Cardinal Health 112, LLC, Cardinal Health 113, LLC, Cardinal Health 116, LLC, Cardinal Health 200, LLC, Cardinal Health 414, LLC, McKesson Drug Company, LLC, McKesson Medical-Surgical, Inc., and McKesson Medical-Surgical Minnesota Supply, Inc. do not concede that they are correctly named or that they are proper parties to this action.

<sup>2</sup> Although the Court last week denied in part Moving Defendants’ motion for an extension of time to respond to the Plaintiffs’ Complaint, which the Court construed in part as a motion to stay (D.E. 27), Moving Defendants had not previously sought the relief requested herein, namely, that the Court defer consideration of Plaintiffs’ remand motion. Moving Defendants could not have requested that particular relief because Plaintiffs had not yet filed a remand motion and did not do so until May 24, 2019. (D.E. 20, 22.)

Plaintiffs' remand motion until the Judicial Panel on Multidistrict Litigation ("JPML") makes a final transfer decision.

As grounds for this Motion, the Moving Defendants assert that the balance of interests favors staying all proceedings before this Court, including ruling on Plaintiffs' remand motion. A stay of proceedings promotes judicial efficiency and would not prejudice Plaintiffs, or any other party, because any delay resulting from a stay would be minimal. In addition, in the absence of a stay order, all of the Defendants would be subject to unnecessary and unwarranted hardships as a result of being forced to proceed in a potentially unnecessary forum thus exposing them to the risk of inconsistent decisions.

Many federal district courts before whom similar opioid-related actions are pending have deferred consideration of pending remand motions presenting the same jurisdictional issues until the JPML decides whether to transfer those actions to the MDL. As those courts have recognized, deferring consideration of complicated jurisdictional issues is warranted in these circumstances to allow the MDL court to rule on such issues collectively.

For the foregoing reasons, Moving Defendants respectfully request that this Court enter an order staying all proceedings and defer consideration of Plaintiffs' remand motion until the JPML decides whether to transfer this case to the MDL.

May 28, 2019

**HUNTER, MACLEAN, EXLEY & DUNN, P.C.**

/s/ John M. Tatum

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2019, I caused a copy of the foregoing to be filed electronically through this Court's electronic filing system, and, as such, notice of such filing should be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

May 28, 2019

/s/ John M. Tatum

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